

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

In re:

HERITAGE DISPOSAL AND
STORAGE, LLC

Debtor.

)
) Chapter 11
)
) Case No. 19-40297
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)
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**DECLARATION OF JAMES J. NIEMEIER IN SUPPORT
OF FIVE POINTS BANK'S MOTION FOR ADEQUATE PROTECTION
OR RELIEF FROM THE AUTOMATIC STAY**

I, James J. Niemeier, do hereby state and declare as follows:

1. I am an attorney licensed to practice in the State of Nebraska and a member of McGrath, North, Mullin & Kratz, P.C., L.L.O. ("McGrath North"). I am one of the attorneys representing Five Points Bank ("Five Points") in this case. I have personal knowledge of the facts set forth in this Declaration and if called to testify could and would testify competently to the matters set forth herein.


2. Attached hereto as Exhibit "A" is a true and correct copy of the complete transcript of the First Meeting of Creditors conducted in this case.

3. Attached hereto as composite Exhibit "B" are true and correct copies of email correspondence with counsel for the Debtor regarding insurance, financing, and access to allow Five Points' appraiser to inspect the facility for his appraisal, and to allow GSI Engineering, LLC, an environmental consulting firm located in Grand Island, Nebraska, access to do limited sampling and testing of the materials Mr. Vess testified were stored at Debtor's premises in the totes.

FURTHER DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 22, 2019.


James J. Niemeler

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served by electronic filing utilizing the Court's CM/ECF system which gave notification electronically upon all parties who have filed an appearance or motion by electronic filing in this case on this 22nd day of May 2019.

/s/ 